

**SIXTY-FIRST LEGISLATIVE DAY
FRIDAY, MARCH 11, 2005**

WOOD, Secretary

House of Representatives

The House convened at 10 a.m., the Speaker in the Chair.

Roll call showed 69 members present.

Absent and excused -- Deal. Total -- 1.

Total -- 70.

Prayer was offered by Representative Shirley.

The Pledge of Allegiance was led by Jessinah Schaefer, Page.

Approval of Journal

March 11, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Sixtieth Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the
Governor and the Senate**

March 10, 2005

Mr. Speaker:

I return herewith enrolled **H 262, H 45, H 41, H 121, H 62, H 34, H 170, H 78, H 79, H 80, H 81, H 82, H 131, and H 176** which have been signed by the President.

WOOD, Secretary

Enrolled **H 262, H 45, H 41, H 121, H 62, H 34, H 170, H 78, H 79, H 80, H 81, H 82, H 131, and H 176** were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

March 10, 2005

Mr. Speaker:

I return herewith enrolled **HCR 11** which has been signed by the President.

WOOD, Secretary

Enrolled **HCR 11** was referred to the Judiciary, Rules, and Administration Committee for delivery to the Secretary of State.

March 10, 2005

Mr. Speaker:

I transmit herewith **SJM 108, SCR 116, SCR 117, S 1121, S 1175, S 1176, S 1177, S 1178, S 1154, as amended, S 1086, as amended, S 1136, as amended, S 1130, as amended, S 1044, as amended, S 1161, as amended, and S 1166** which have passed the Senate.

SJM 108, SCR 116, SCR 117, S 1121, S 1175, S 1176, S 1177, S 1178, S 1154, as amended, S 1086, as amended, S 1136, as amended, S 1130, as amended, S 1044, as amended, S 1161, as amended, and S 1166 were filed for first reading.

March 10, 2005

Mr. Speaker:

I return herewith **HCR 15, H 102, and H 190** which have passed the Senate.

WOOD, Secretary

HCR 15, H 102, and H 190 were referred to the Judiciary, Rules, and Administration Committee for enrolling.

March 10, 2005

Mr. Speaker:

I return herewith **H 50, as amended in the Senate, and H 122, as amended in the Senate**, which have passed the Senate.

WOOD, Secretary

H 50, as amended in the Senate, and H 122, as amended in the Senate, were ordered held at the Desk.

Mr. Bilbao asked unanimous consent that the House concur in the Senate amendments to **H 50, as amended in the Senate**. There being no objection, it was so ordered.

Mr. Black asked unanimous consent that the House concur in the Senate amendments to **H 122, as amended in the Senate**. There being no objection, it was so ordered.

H 50, as amended in the Senate, and H 122, as amended in the Senate, were referred to the Judiciary, Rules, and Administration Committee for engrossing.

Report of Standing Committees

March 11, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **HCR 20, H 315, H 316, H 317, and H 318** and House Amendments to **H 306**.

FIELD(18), Chairman

H 317 and H 318 were referred to the Revenue and Taxation Committee.

H 316 was filed for second reading.

HCR 20 and H 315 were held at the Desk.

March 11, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have engrossed **H 306, as amended**.

FIELD(18), Chairman

H 306, as amended, was filed for first reading of engrossed bills.

March 10, 2005

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration **S 1084**, **S 1126**, **S 1127**, and **S 1081** and recommend that they do pass.

WOOD, Chairman

S 1084, **S 1126**, **S 1127**, and **S 1081** were filed for second reading.

March 10, 2005

Mr. Speaker:

We, your COMMITTEE ON AGRICULTURAL AFFAIRS, report that we have had under consideration **S 1056** and recommend that it do pass.

JONES, Chairman

S 1056 was filed for second reading.

March 10, 2005

Mr. Speaker:

We, your COMMITTEE ON HEALTH AND WELFARE, report that we have had under consideration **SCR 104** and recommend it be referred to the Ways and Means Committee.

BLOCK, Chairman

SCR 104 was referred to the Ways and Means Committee.

March 10, 2005

Mr. Speaker:

We, your COMMITTEE ON HEALTH AND WELFARE, report that we have had under consideration **H 265** and **H 188** and report them back with amendments attached to be placed on General Orders for consideration.

BLOCK, Chairman

H 265 and **H 188** were placed on General Orders for consideration.

March 11, 2005

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration **H 319** and recommend that it do pass.

CROW, Chairman

H 319 was filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

SJM 108, **SCR 116**, and **SCR 117**, by State Affairs

Committee, were introduced, read the first time by title, and referred to the State Affairs Committee.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 320 BY WAYS AND MEANS COMMITTEE AN ACT

RELATING TO PROPERTY TAXATION; AMENDING SECTION 63-314, IDAHO CODE, TO REVISE CRITERIA FOR APPRAISAL, TO PROVIDE FOR RULES PRESCRIBING THE TYPES OF DOCUMENTATION AND SUPPORTING DATA TO BE COLLECTED FROM A TAXPAYER BY COUNTY ASSESSORS, TO PROVIDE FOR THE BURDEN OF PROOF TO FALL TO THE TAXPAYER WHERE THE TAXPAYER HAS FAILED TO PROVIDE DOCUMENTATION OR DATA AS REQUIRED AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 63-409, IDAHO CODE, TO PROVIDE THAT THE BURDEN OF PROOF SHALL FALL TO THE TAXPAYER IN CERTAIN INSTANCES; AMENDING SECTION 63-511, IDAHO CODE, TO PROVIDE AN EXCEPTION WHERE THE BURDEN OF PROOF FALLS UPON THE PARTY SEEKING AFFIRMATIVE RELIEF AND THE BURDEN OF GOING FORWARD WITH THE EVIDENCE SHALL SHIFT AS IN OTHER CIVIL LITIGATION; AMENDING SECTION 9-340D, IDAHO CODE, TO PROVIDE THAT RECORDS RELATING TO THE APPRAISAL OF REAL OR PERSONAL PROPERTY USED TO DETERMINE MARKET VALUE DISCLOSED TO A COUNTY OFFICIAL OR THE TAX COMMISSION BY A PROPERTY TAXPAYER ARE EXEMPT FROM DISCLOSURE AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 321 BY WAYS AND MEANS COMMITTEE AN ACT

RELATING TO STATE MEDICAL ASSISTANCE; AMENDING CHAPTER 2, TITLE 56, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 56-209q, IDAHO CODE, TO PROVIDE THAT CERTAIN MEDICAL ASSISTANCE RECIPIENTS, THEIR SPOUSES, OR PARENTS PAY COPAYMENTS FOR PRESCRIPTION AND OVER-THE-COUNTER DRUGS, TO PROVIDE SERVICES FOR WHICH NO COPAYMENTS SHALL BE CHARGED, TO PROVIDE THE MAXIMUM AMOUNT OF A COPAYMENT, TO PROVIDE FOR THE INABILITY TO MAKE REQUIRED COPAYMENT, TO PROVIDE FOR WAIVERS AND TO PROVIDE FOR RULES; AND AMENDING SECTION 56-209g, IDAHO CODE, TO REVISE THE MEDICAID PHARMACY REIMBURSEMENT LEVELS.

HOUSE BILL NO. 322 BY REVENUE AND TAXATION COMMITTEE AN ACT

RELATING TO TAXATION OF MOTOR FUELS; AMENDING SECTION 63-2401, IDAHO CODE, TO REVISE THE DEFINITION OF "GASOHOL"; AND DECLARING AN

EMERGENCY.

HOUSE BILL NO. 323
BY REVENUE AND TAXATION COMMITTEE
AN ACT

RELATING TO TAXATION; AMENDING TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 44, TITLE 63, IDAHO CODE, TO PROVIDE A SHORT TITLE AND APPLICATION, TO DEFINE TERMS, TO PROVIDE AN ADDITIONAL INCOME TAX CREDIT FOR CAPITAL INVESTMENT, TO PROVIDE AN ADDITIONAL INCOME TAX CREDIT FOR NEW JOBS, TO PROVIDE LIMITATIONS AND OTHER PROVISIONS ON CREDITS AGAINST INCOME TAXES, TO PROVIDE RECAPTURE, TO PROVIDE SALES AND USE TAX INCENTIVES, TO PROVIDE REBATES, TO PROVIDE FOR RECAPTURE AND TO PROVIDE FOR ADMINISTRATION; AMENDING CHAPTER 6, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-606A, IDAHO CODE, TO ALLOW THE COUNTY BOARD OF EQUALIZATION TO EXEMPT ALL OR A PORTION OF CERTAIN PROPERTY FROM PROPERTY TAXATION AND TO PROVIDE PROCEDURES; PROVIDING SEVERABILITY; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

HOUSE BILL NO. 324
BY EDUCATION COMMITTEE
AN ACT

RELATING TO THE STATE MEDICAL ASSISTANCE PROGRAM; AMENDING SECTION 56-209D, IDAHO CODE, TO PROVIDE THAT THE COST OF PHYSICIAN, HOSPITAL OR OTHER SERVICES DEEMED EXPERIMENTAL ARE EXCLUDED FROM COVERAGE AND TO PROVIDE THAT THE DIRECTOR OF THE DEPARTMENT OF HEALTH AND WELFARE MAY ALLOW COVERAGE OF PROCEDURES OR SERVICES DEEMED INVESTIGATIONAL IF THE PROCEDURES OR SERVICES ARE AS COST EFFECTIVE AS TRADITIONAL, STANDARD TREATMENTS; AND PROVIDING AN EFFECTIVE DATE.

H 320, H 321, H 322, H 323, and H 324 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

S 1121, S 1136, as amended, and **S 1166**, by Judiciary and Rules Committee, were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee.

S 1154, as amended, by Judiciary and Rules Committee, was introduced, read the first time by title, and referred to the Health and Welfare Committee.

S 1086, as amended, by Health and Welfare Committee, was introduced, read the first time by title, and referred to the Health and Welfare Committee.

S 1130, as amended, by Transportation Committee, was

introduced, read the first time by title, and referred to the Transportation and Defense Committee.

S 1044, as amended, by Schroeder, was introduced, read the first time by title, and referred to the State Affairs Committee.

S 1161, as amended, by State Affairs Committee, was introduced, read the first time by title, and referred to the State Affairs Committee.

S 1175, S 1176, S 1177, and S 1178, by Finance Committee, were introduced, read the first time by title, and filed for second reading.

First Reading of Engrossed Bills

H 306, as amended, by Revenue and Taxation Committee, was introduced, read the first time by title and filed for second reading.

Second Reading of Bills and Joint Resolutions

HP 3, HJM 7, and H 247, as amended, by State Affairs Committee, were read the second time by title and filed for third reading.

H 309, by Appropriations Committee, was read the second time by title and filed for third reading.

H 280 and H 281, by Revenue and Taxation Committee, were read the second time by title and filed for third reading.

S 1052, by Resources and Environment Committee, was read the second time by title and filed for third reading.

S 1039, as amended, **S 1040, S 1064, S 1065, S 1067, S 1053, and S 1068**, as amended, by Judiciary and Rules Committee, were read the second time by title and filed for third reading.

H 138, H 197, as amended, and **H 160**, as amended, by Business Committee, were read the second time by title and filed for third reading.

S 1142, as amended in the House, by Health and Welfare Committee, was read the second time by title and filed for third reading.

H 203, as amended, and **H 208**, as amended, by Judiciary, Rules, and Administration committee, were read the second time by title and filed for third reading.

H 174, as amended, by Agricultural Affairs Committee, was read the second time by title and filed for third reading.

H 101, as amended, by Transportation and Defense Committee, was read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

H 302 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Skippen to open debate.

The question being, "Shall **H 302** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smylie, Snodgrass, Stevenson, Wills, Mr. Speaker. Total -- 65.

NAYS -- None.

Absent and excused -- Deal, Mitchell, Smith(24), Trail, Wood. Total -- 5.

Total -- 70.

Whereupon the Speaker declared **H 302** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 303 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Skippen to open debate.

The question being, "Shall **H 303** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Martinez, Miller, Moyle, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Rusche, Rydalch, Sayler, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smylie, Snodgrass, Stevenson, Wills, Mr. Speaker. Total -- 55.

NAYS -- Barrett, Loertscher, Mathews, McGeachin, McKague, Nielsen, Sali. Total -- 7.

Absent and excused -- Crow, Deal, Mitchell, Roberts, Schaefer, Smith(24), Trail, Wood. Total -- 8.

Total -- 70.

Whereupon the Speaker declared **H 303** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 304 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Field(23) to open debate.

The question being, "Shall **H 304** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Cannon, Chadderdon, Clark, Collins, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rydalch, Sali, Sayler, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smylie, Snodgrass, Stevenson, Wills, Mr. Speaker. Total -- 61.

NAYS -- None.

Absent and excused -- Bradford, Crow, Deal, Mitchell, Rusche, Schaefer, Smith(24), Trail, Wood. Total -- 9.

Total -- 70.

Whereupon the Speaker declared **H 304** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 305 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Ringo to open debate.

The question being, "Shall **H 305** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Cannon, Chadderdon, Clark, Collins, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Martinez, Mathews, McGeachin, Miller, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Rydalch, Sayler, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smylie, Snodgrass, Wills, Mr. Speaker. Total -- 52.

NAYS -- Barraclough, Barrett, Denney, Loertscher, McKague, Moyle, Roberts, Sali, Schaefer, Stevenson. Total -- 10.

Absent and excused -- Bradford, Crow, Deal, Mitchell, Rusche, Smith(24), Trail, Wood. Total -- 8.

Total -- 70.

Whereupon the Speaker declared **H 305** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 266 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Henderson to open debate.

The question being, "Shall **H 266** pass?"

Roll call resulted as follows:

AYES -- Anderson, Barraclough, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ringo, Roberts, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Snodgrass, Stevenson, Trail, Wills, Mr. Speaker. Total -- 55.

NAYS -- Andrus, Bastian, Field(23), Garrett, Hart, Harwood, Miller, Smylie. Total -- 8.

Absent and excused -- Crow, Deal, Mitchell, Ring, Rusche, Smith(24), Wood. Total -- 7.

Total -- 70.

Whereupon the Speaker declared **H 266** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

HJM 4 was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bolz to open debate.

The question being, "Shall **HJM 4** be adopted?"

Whereupon the Speaker declared **HJM 4** adopted by voice vote and ordered the memorial transmitted to the Senate.

Mr. Moyle asked unanimous consent that **H 286** retain its place on the Third Reading Calendar until Monday, March 14, 2005. There being no objection, it was so ordered.

H 291 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Jaquet and Mr. Clark to open debate.

The question being, "Shall **H 291** pass?"

Roll call resulted as follows:

AYES -- Anderson, Bastian, Bilbao, Black, Boe, Bolz, Bradford, Chadderdon, Clark, Collins, Edmunson, Eskridge, Field(18), Garrett, Hart, Henbest, Henderson, Jaquet, Jones, Kemp, LeFavour, Martinez, McGeachin, McKague, Miller, Mitchell, Nonini, Pasley-Stuart, Pence, Ring, Ringo, Roberts, Rusche, Sayler, Schaefer, Shepherd(2), Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Trail, Wills, Mr. Speaker. Total -- 44.

NAYS -- Andrus, Barraclough, Barrett, Bayer, Bedke, Bell, Block, Cannon, Denney, Ellsworth, Harwood, Lake, Loertscher,

Mathews, Moyle, Nielsen, Raybould, Rydalch, Sali, Shepherd(8), Shirley, Stevenson. Total -- 22.

Absent and excused -- Crow, Deal, Field(23), Wood. Total -- 4.

Total -- 70.

Whereupon the Speaker declared **H 291** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mr. Moyle asked unanimous consent that **S 1070** be placed at the top of the Third Reading Calendar. There being no objection, it was so ordered.

S 1070 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Hart to open debate.

Pursuant to Rule 38(3) Mr. Hart disclosed a conflict of interest regarding **S 1070**.

The question being, "Shall **S 1070** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Mr. Speaker. Total -- 66.

NAYS -- None.

Absent and excused -- Crow, Deal, Field(23), Wood. Total -- 4.

Total -- 70.

Whereupon the Speaker declared **S 1070** passed the House. Title was approved and the bill was ordered returned to the Senate.

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places until Monday, March 14, 2005. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Denney moved that the House adjourn until 10:30 a.m., Monday, March 14, 2005. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House adjourned at

12:47 p.m.

BRUCE NEWCOMB, Speaker

ATTEST:

PAMM JUKER, Chief Clerk